

### **REMARKS**

The outstanding issues in the instant application are as follows:

- Claims 81-85, 87, 89-91, and 126-132 are rejected under 35 U.S.C. § 112, first paragraph;
- Claims 37-46, 71-73, 79, and 126-132 are rejected under 35 U.S.C. § 112, second paragraph;
- Claims 1-5, 9, 11-12, 15, 17-18, 21-23, 26-28, 30-36, 38, 45, 48-49, 42-56, 60, 67, 68, 70-73, 77-85, 87, 89, 90-96, 100-116, 118-121, and 123-132 are rejected under 35 U.S.C. § 102(e); and
- Claims 6-8, 37, 46, 65-66, 97-99, 117, and 122 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, 30 – 38, 45, 46, 48, 49, 52 – 56, 60, 65 – 68, 70 – 73, 77 – 85, 87, and 89 – 132 are pending in this application.

#### **I. EXAMINER INTERVIEW**

Applicant and Applicant's representative thank the Examiner for taking the time to meet and discuss the merits of this application on July 28, 2005. The Inventor, Dan Hammond, Applicant's representative, Thomas J. Meaney, and the Examiner, Duc C. Ho attended the Interview and agreed on the language for amending the claims, as evidenced by the Interview Summary filed by the Examiner. By this Response, Applicants have amended the claims and specification consistent with the agreement. Additional amendments contained herein serve to correct or clarify the scope of the invention and any grammatical errors that were present in the Specification and claims.

#### **II. AMENDMENTS**

##### ***A. "Server" to "Repository"***

Applicant amended the paragraphs noted on pages 6-7, 9, 11-18, 20, and 21 by changing "server" to "repository." As discussed with the Examiner during the Interview of July 28, the element described in the Specification and intended by the Applicant to accurately describe his invention was a place/container where application logic available for

download to communication devices is stored. *See*, by example, Specification, p. 6, lns 1-3. Applicant originally named this element a server, whether an application server, an XIVR server, or the like. In order to make this element more clear, Applicant has amended to name this element a repository. According the Merriam-Webster OnLine Dictionary, a “repository” is “a place, room, or container where something is deposited or stored.” *See* Exhibit A. Thus, the description of the functionality of this described element is more-accurately referred to as a “repository.” These amendments were agreed to by the Examiner during the Interview. Moreover, support for this amendment may be found throughout the Specification. *See e.g.*, Specification, p. 6, lns 1-3; p. 11, lns 18-20; p. 13, lns 25-27; p. 14, lns 3-17; p. 15, ln 16 – p. 16, ln 5; p. 16, ln 15 – p. 17, lns 5; p. 18, lns 11-12. Therefore, no new matter was added.

Claims 1-2, 4, 6, 17, 23, 26, 28, 31, 34-35, 45, 53, 56, 65, 67, 77, 80, 92-95, 97, 103, 106, 108, 110, 114, 115, and 121 were each amended to replace server with either “repository” or “application repository.” These amendments were agreed to by the Examiner during the Interview. Support for the amendments can be found throughout the Specification, at least, at the locations indicated above.

FIGURES 2A, 3, 4, and 6 were amended to change XIVR Server 202 to XIVR Repository 202. FIGURE 2B was amended to reflect the change of XIVR Server 202 to XIVR Repository 202 and to change XIVR Server 203 to XIVR Repository 203. These amendments were agreed to by the Examiner during the Interview. Support for the amendments can be found throughout the Specification, at least, at the locations indicated above.

#### ***B. Processor Location***

Claims 1 and 92 were amended to clarify that the processor element is located within the communication device. This amendment was agreed to by the Examiner during the Interview. Moreover, support for the amendment can be found throughout the Specification. *See, e.g.*, FIGURE 5, Specification, p. 6, lns 11-13; p. 19, ln 13 – p. 20, ln 9.

**C.      *“Administer” to “Execute”***

Claims 1-2, 53, 68, 81, 92, 94, and 126-127 were amended to clarify that the logic and application downloaded from the repository is executed on the communication device. The term “administer,” and its derivatives, did not adequately convey the intended meaning of the invention as described in the Specification. This amendment was agreed to by the Examiner during the Interview. Moreover, support of the amendment can be found throughout the Specification. *See, e.g.*, p. 6, lns 11-13; p. 11, ln 26 – p. 12, ln 9.

**D.      *Addition of Related Patent Number***

The Relate Applications paragraph at page 1 and the paragraphs beginning at page 3, line 23 and page 15, line 7 were amended to include the Patent Number of the related application. During the pendency of this case, the related application has issued into U.S. Patent Number 6,195,357. Thus, no new matter was added.

**E.      *Grammatical Corrections***

The paragraph on page 6, beginning at line 1, was amended to clarify the grammatical syntax of the first sentence. The amended sentence now reads, “The present invention is directed to a system and method for an extensible interactive voice response application comprising an application repository that stores various application logic and information thereon.” Support for this amendment is found in the original sentence and through out the Specification. The amended was intended to clarify a grammatically awkward sentence and should not be taken to limit the scope of the invention. No new matter was added.

The paragraph on page 7, beginning at line 18, was amended to correct grammatical errors by inserting “the” before “accessing application repository,” and inserting “from” in the phrase “downloading from or interacting with the repository ...”. The amended was intended to correct a grammatical mistake and should not be taken to limit the scope of the invention. No new matter was added.

The paragraph on page 19, beginning at line 9, was amended to correct grammatical errors by replacing “implement” with “implemented.” The amended was intended to correct

a grammatical mistake and should not be taken to limit the scope of the invention. No new matter was added.

Claim 126 was further amended to provide, “wherein said interactive voice response session is defined...”. Applicant correct the mistaken use of the plural “sessions” to the correct, “session.” This correction is intended to overcome the § 112, second paragraph rejection for lack of antecedent basis.

***F. Clarifying Amendments***

The paragraph on page 18, beginning at line 3, was amended to clarify that XIVR repository 202 provides “the ability to transport voice response functionality, through application logic, discrete programs, or the like, to external devices.” Support for this amendment can be found throughout the Specification. Thus, no new matter was added.

Claim 37 was amended 37 to require, “transmitting one of said selectively-sized segments to said communication unit.” Support for this amendment can be found in the Specification at least at page 14, lines 14-27. Thus, no new matter was added. The amendment is made to more accurately claim the scope of what the Applicant believes is his invention and is not intended to limit the scope of the claimed invention from the original claim language. The intended scope is seen in the example recited in the noted Specification location. This clarifying amendment is also intended to overcome the § 112 rejection of record.

Claim 46 was amended to match the antecedent basis from claim 37. Claim 46, as amended requires, “downloading a next selectively-sized segment after execution of said transmitted one of said selectively-sized segments.” Support for this amendment can be found in the Specification at least at page 14, lines 14-27. Thus, no new matter was added. The amendment is made to more accurately claim the scope of what the Applicant believes is his invention and is not intended to limit the scope of the claimed invention from the original claim language. The intended scope is seen in the example recited in the noted Specification location. This clarifying amendment is also intended to overcome the § 112 rejection of record.

Claim 79 was amended to clarify the claimed invention. Claim 79, as amended, provides, “an internal database to said communication unit and an external database to said communication unit.” Applicant changed “a database internal to said communication unit” to “an internal database” and “a database external to said communication unit” to “an external database.” Support for the amendment is found in the original claim language of claim 79. Applicant amended to clarify the language of claim 79 and more accurately describe the intended invention. Thus, no new matter was added. This clarifying amendment is also intended to overcome the § 112 rejection of record.

Claim 126 was further amended to provide, “means for facilitating observation of multimedia prompts ...” and, “means for facilitating observation of multimedia information ...”. Support for these amendments is found in the Specification, at least, at pages 11 – 13, in the description of the communication devices executing the voice response sessions using the audio and/or video interface elements of the communication devices. No new matter was added. This clarifying amendment is also intended to overcome the § 112 rejection of record.

### **III. REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 81-85, 87, 89-91, and 126-132 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, with regard to claim 126, and claim 81 by analogy, the Examiner asserts that the following limitations appear to lack adequate written description: (1) means for actuating; (2) means for observing; (3) means for providing; and (4) means for observing multimedia information. Applicant believes, however, that each of the claim limitations of claims 81 and 126, as amended, are adequately described in the text and figures of the pending application.

#### ***A. Means for Actuating***

This limitation of claim 126, as amended, provides, “means for actuating said communication device to initiate an interactive voice response session ...”. Written description supporting this limitation can be found in FIGURES 2A, 2B, 3, 5, and 6 and, at least, in the description found at page 11, lines 6 – 16. The above-noted Figures each includes illustration of client-side communication devices (i.e., elements 20-27). The Specification, at page 11, beginning at line 6, explains an example process of how a “caller”

may use one of the communication devices 20-27 to access the XIVR Repository 202. The communication devices pictured in the Figures illustrate telephones, such as elements 20, 21, 23, PDA's, such as elements 22 and 27, computers, such as elements 24 and 25, and mobile phones, such as element 26. The user interface elements for each of the illustrated devices are well-known. A large majority of the population would understand how to interact with the various user interface elements (e.g., keypad, microphone, keyboard, touch-screen, and the like). Thus, the means for actuating the communication device would be the interface elements of the communication devices, such as those illustrated in FIGURES 2A, 2B, 3, 5, and 6, and described by example operation in the Specification.

By analogy, the same illustrations and description would apply to support the corresponding limitation of claim 81.

***B. Means for Observing***

This limitation of claim 126, as amended, provides, “means for facilitating observation of multimedia prompts on said communication device ...”. Written description supporting this limitation can also be found in FIGURES 2A, 2B, 3, 5, and 6 and, at least, in the description found at page 11, lines 6 – 16. The above-noted Figures each includes illustration of client-side communication devices, such as telephones, PDA's, computers, and mobile phones (elements 20-27). The Specification, at page 11, beginning at line 6, explains an example process of how a “caller” may use one of the communication devices 20-27 to access the XIVR Repository 202. As noted above, the user interface elements for each of the illustrated devices are well-known. A large majority of the population would understand how to interact with the various user interface elements (e.g., keypad, microphone, keyboard, touch-screen, and the like). Thus, the means for facilitating observation of multimedia prompts on the communication device would be the output-oriented interface elements of the communication devices, such as the speakers and displays on the computer, PDA, and mobile phones, or simply the speakers on the regular phones. The Specification describes that the communication device runs the application locally for executing the voice response application from the communication device. Specification, pp. 11-13. Therefore, the output-oriented interface elements of those communication devices illustrated in FIGURES 2A, 2B,

3, 5, and 6, and described by example operation in the Specification adequately describe the means for facilitating observation of claim 126.

By analogy, the same illustrations and description would apply to support the corresponding limitation of claim 81.

**C. Means for Providing**

This limitation of claim 126, as amended, provides, “means for providing said interactive voice response session multimedia input ...”. Written description supporting this limitation can also be found in FIGURES 2A, 2B, 3, 5, and 6 and, at least, in the description found at page 11, lines 6 – 16. The above-noted Figures each includes illustration of client-side communication devices, such as telephones, PDA’s, computers, and mobile phones (elements 20-27). The Specification, at page 11, beginning at line 6, explains an example process of how a “caller” may use one of the communication devices 20-27 to access the XIVR Repository 202. As noted above, the user interface elements for each of the illustrated devices are well-known. A large majority of the population would understand how to interact with the various user interface elements (e.g., keypad, microphone, keyboard, touch-screen, and the like). Thus, the means for providing multimedia input to the interactive voice response session would be the input-oriented interface elements of the communication devices, such as the microphones, keyboards/keypads, and touch-screen displays on the computer, PDA, mobile phones, and regular phones. The Specification describes that the communication device runs the application locally for executing the voice response application from the communication device. Specification, pp. 11-13. Therefore, the input-oriented interface elements of those communication devices illustrated in FIGURES 2A, 2B, 3, 5, and 6, and described by example operation in the Specification adequately describe the means for providing of claim 126.

By analogy, the same illustrations and description would apply to support the corresponding limitation of claim 81.

***D. Means for Observing Multimedia Information***

This limitation of claim 126, as amended, provides, “means for facilitating observation of multimedia information on said communication device ...”. Written description supporting this limitation can also be found in FIGURES 2A, 2B, 3, 5, and 6 and, at least, in the description found at page 11, lines 6 – 16. The above-noted Figures each includes illustration of client-side communication devices, such as telephones, PDA’s, computers, and mobile phones (elements 20-27). The Specification, at page 11, beginning at line 6, explains an example process of how a “caller” may use one of the communication devices 20-27 to access the XIVR Repository 202. As noted above, the user interface elements for each of the illustrated devices are well-known. A large majority of the population would understand how to interact with the various user interface elements (e.g., keypad, microphone, keyboard, touch-screen, and the like). Thus, the means for facilitating observation of multimedia information on the communication device would be the same output-oriented interface elements of the communication devices that were used as a means for facilitating observation of the multimedia prompts. These interface elements, such as the speakers and displays on the computer, PDA, and mobile phones, or simply the speakers on the regular phones, each provide a means for conveying some kind of multimedia information to the device user.. The Specification describes applications where, through execution of the voice application, resulting information may be multimedia in nature, and may be presented for the user in any combination of graphics, text, or aural information. In fact, the Specification gives a specific example where graphics and text may be presented on a communication device’s display, while the aural information is played through speaker or other transducing mechanism. Specification, p. 12, ln 25 – p. 13, ln 2. Therefore, the output-oriented interface elements of those communication devices illustrated in FIGURES 2A, 2B, 3, 5, and 6, and described by example operation in the Specification adequately describe the means for facilitating observation of multimedia information of claim 126.

By analogy, the same illustrations and description would apply to support the corresponding limitation of claim 81.



***E. Dependent Claims***

Dependent claims 82-85, 87, 89-91, and 127-132 each depend directly or indirectly from base claims 81 and 126. Therefore, because of this dependence, these claims enjoy the same written description that may be used to support claims 81 and 126. Thus, Applicant respectfully requests that the § 112, first paragraph rejections of claims 81-85, 87, 89-91, and 126-132, be withdrawn.

**IV. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 37-46, 71-73, 79, 126-132 are rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter thought to define the invention.

With regard to claim 37, the Examiner asserts that “said selectively-sized segment” has insufficient antecedent basis. As amended, claim 37 provides, “transmitting one of said selectively-sized segments.” The claim language, as amended, provides addresses the previous lack of antecedent basis. The Examiner is now respectfully requested to withdraw such rejection to claim 37.

With regard to claim 46, Applicant has amended to match the antecedent basis from amended claim 37. Therefore, Applicant respectfully requests the Examiner to withdraw such rejection to claim 46.

Applicant does not see any mention or notation with regard to a “selectively-sized segment” in claims 38-45, nor do claims 38-45 depend from claim 37. Applicant, therefore, respectfully requests the Examiner to withdraw the rejection to claims 38-45, or, alternatively, state the specific deficiency alleged with regard to those claims.

With regard to claim 71, the Examiner asserts that the language, “multimedia input interface for processing multimedia input,” is confusing because it appears to describe a software feature using a hardware limitation. Applicant believes that one of ordinary skill in the art recognizes that an interface, such as the claimed “multimedia input interface” includes both hardware and software elements. The hardware element necessarily being the physical connection means, while the software element comprises the software, or combination of

software and firmware, that is used to receive, recognize, and simply manage the data arriving or exiting on the hardware connection interface. Therefore, Applicant asserts that the language of claim 71 accurately describes a software element connected with an interface for multimedia input. Applicant, thus, respectfully requests the Examiner to withdraw the § 112 rejection of record with regard to claims 71-73.

With regard to claim 79, Applicant has amended the language to recite “an internal database” and “an external database.” This clarifying language is intended to make claim 79 definite and to particularly point out and distinctly claim the subject matter regarded as the invention. Therefore, Applicant respectfully requests the Examiner to withdraw the § 112 rejection of record with regard to claim 79.

Applicant has corrected claim 126 to fix the lack of antecedent basis for “said interactive voice response sessions” to “said interactive voice response session,” the antecedent basis for which is found at lines 4-5. Applicant, therefore, respectfully requests the Examiner to withdraw the § 112 rejection of record with regard to the antecedent basis issue of claim 126.

Applicant has further amended claim 126 to clarify the observation of the multimedia prompts and multimedia information. Claim 126, as amended, provides, “means for facilitating observation of multimedia prompts ...” and, “means for facilitating observation of multimedia information ...”. This amendment addresses the Examiner rejection based on the implication that a hardware component was performing a function of observing. The amended language clarifies that the hardware component facilitates the observation of both the multimedia prompts and the multimedia information. Based on this amendment, Applicant respectfully requests the Examiner to withdraw the § 112 rejection with regard to the confusing language of claim 126.

Applicant believes that either through amendment or argument, he has addressed each and every rejection asserted by the Examiner under § 112, second paragraph. As such, Applicant requests the Examiner to withdraw each of the pending § 112, second paragraph rejections.

**V. REJECTIONS UNDER 35 U.S.C. § 102(e)**

1-5, 9, 11-12, 15, 17-18, 21-23, 26-28, 30-36, 38, 45, 48-49, 42-56, 60, 67, 68, 70-73, 77-85, 87, 89, 90-96, 100-116, 118-121, and 123-132 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,721,705 to Kurganov et al., (hereinafter *Kurganov*).

Applicant has amended the claims according to the language agreed to by the Examiner at the Examiner Interview. Accordingly, Applicant requests the Examiner to withdraw the § 102(e) rejections over *Kurganov*.

**VI. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 6-8, 37, 46, 65-66, 97-99, 117, and 122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kurganov* in further view of U.S. Patent No. 6,753,884 to Finch, II (*hereinafter Finch II*).

Applicant has amended the claims according to the language agreed to by the Examiner at the Examiner Interview. Accordingly, Applicant requests the Examiner to withdraw the § 103(a) rejections over the combination of *Kurganov* and *Finch II*.


**VII. CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P125US/10025004 from which the undersigned is authorized to draw.

Dated: August 15, 2005

Respectfully submitted,

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**AMENDMENTS TO THE FIGURES**

Amendments to the Figures is evidenced by the attached Replacement Sheets.

FIGURE 2A was amended to change XIVR Server 202 to XIVR Repository 202.

FIGURE 2B was amended to reflect the change of XIVR Server 202 to XIVR Repository 202 and to change XIVR Server 203 to XIVR Repository 203.

FIGURE 3 was amended to reflect the change of XIVR Server 202 to XIVR Repository 202.

FIGURE 4 was amended to reflect the change of XIVR Server 202 to XIVR Repository 202.

FIGURE 6 was amended to reflect the change of XIVR Server 202 to XIVR Repository 202.